

### REMARKS

Claims 1-16 remain pending in the present invention. Claims 1, 2, 5-9, and 12-16 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5, 6, 8, 12, 13 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakaya et al. (U.S. Pat. No. 5,949,484). Independent Claims 1, 5, 8, 12 and 16 have been amended to define speed setting means for setting different radio transmission speeds at which the terminal is capable of transmitting. In Nakaya et al. The frame rate is changed to reduce digital data processing executed within the portable terminal apparatus. Nothing in Nakaya et al. discloses, teaches, or suggests changing the transmitting power as is now claimed in the Independent Claims. Even if the frame rate is changed in Nakaya et al., the signal transmitting power will not be changed unless some type of power reducing control for the transmission is executed.

Thus, applicant believes Claims 1, 5, 8, 12 and 16, as amended, patentably distinguishes over the art of record. Likewise, Claims 6 and 13 which ultimately depend from one of these Independent Claims are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2-4, 7, 9-11, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakaya in view of Flynn, of record. Independent Claims 2 and 9 have been amended in a similar manner to that discussed above. Thus, the discussion for Nakaya et al. applies to this rejection also. In addition, Flynn does not disclose, teach or suggest the changing of the transmission speed as is now defined in amended Claims 2 and 9 of the present invention.

Thus, applicant believes Claims 2 and 9, as amended, patentably distinguish over the art of record. Likewise, Claims 3, 4, 7 and 15 which ultimately depend from Claim 2 and Claims 10, 11 and 14 which ultimately depend from Claim 9 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### **STATEMENT UNDER 37 C.F.R. 3.73(b)**

Enclosed is an executed Statement Under 3.73(b) and Power of Attorney for filing in this application. Please note the correspondence address change.

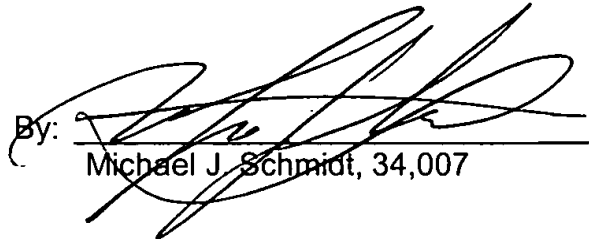
### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Oct 6, 2003

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